

रजिस्टर्ड नं 0 ल 0-33/13-14/93.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 3 अप्रैल, 1993/13 चैत्र, 1915

हिमाचल प्रदेश सरकार

LAW DEPARTMENT
Legislation (English) Section

NOTIFICATION

Shimla-171002, the 3rd April, 1993

No. LLR-D(6)-21/92-Legislation.—The Himachal Pradesh Electricity (Duty) Amendment Act, 1993 recently enacted by the President of India on the 3rd April, 1993 and published in the Gazette of India (Extra-ordinary) Part-II, Section-I, Dated the 3rd April, 1993 is hereby

republished in the Himachal Pradesh Government Rajpatra for the information of the General Public.

By order,

Sd/-
Secretary.

THE HIMACHAL PRADESH ELECTRICITY (DUTY) AMENDMENT ACT, 1993

President's Act No. 6 of 1993

(3rd April, 1993)

Enacted by the President in the Forty-fourth year of the Republic of India.

AN

ACT

further to amend the Himachal Pradesh Electricity (Duty) Act, 1975.

5 of 1993

In exercise of the powers conferred by section 3 of the Himachal Pradesh State Legislature (Delegation of Powers) Act, 1993, the President is pleased to enact as follows:—

1. (1) This Act may be called the Himachal Pradesh Electricity (Duty) Amendment Act, 1993.

Short title and commencement.

(2) It shall be deemed to have come into force on the 25th day of January, 1993.

2. In the Himachal Pradesh Electricity (Duty) Act, 1975 (hereinafter referred to as the principal Act, in section 3, for sub-section (1), the following shall be substituted, namely:—

Amendment of section 3.

“(1) There shall be levied and paid to the State Government on the energy consumed a duty to be called the ‘Electricity Duty’ in the prescribed manner and computed at the following rates:—

(i) in case of domestic consumers at the rate of 5 paise per unit; and

(ii) in case of other category of consumers at the rate of 10 paise per unit :

“Provided that if the energy is partly used for category (i) and partly for category (ii) above, the highest rate of duty applicable shall be levied.”.

3. After section 11 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 11A.

“11A. *Power to exempt.*—The State Government may in public interest by notification exempt any consumer or person from the payment of the whole or part of the Electricity Duty for such period and subject to such terms and conditions as may be specified in such notification.”.

H. P. Act
11 of 1975.

Repeal
and
saving.

4. (1) The Himachal Pradesh Electricity (Duty) Amendment Ordinance, 1993 is hereby repealed.

Ord.
15 of 1993.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken as the case may be, under the principal Act as amended by this Act.

SHANKER DAYAL SHARMA,
President.

B. R. ATRE,
Joint Secy. to the Government of India.

Reasons for the Enactment

In order to mobilise the additional resources and to simplify the collection of the electricity duty levied on consumption of electricity from different categories of consumers in the State of Himachal Pradesh, it became necessary for the State Government to amend certain provisions of the Himachal Pradesh Electricity (Duty) Act, 1975. For this purpose, the Himachal Pradesh Electricity (Duty) (Second Amendment) Ordinance, 1992 (H.P. Ord. 2 of 1992) was promulgated by the Governor, Himachal Pradesh on the 3rd August, 1992. By virtue of the provisions contained in the said Ordinance, in the State of Himachal Pradesh, the rates of electricity duty have been revised as under:—

- (i) in case of domestic consumers at the rate of 5 paise per unit ; and
- (ii) in case of other category of consumers at the rate of 10 paise per unit.

2. A new section 11A has also been inserted to empower the State Government to accord exemption to any consumer or person from the payment of the whole or part of the electricity duty for such period and subject to such terms and conditions as may be prescribed. The insertion of this provision was considered necessary for giving relief to agricultural and like consumers. Before the said Ordinance could be replaced by a regular enactment the powers of the Legislature of the State of Himachal Pradesh to make laws has been declared by the Proclamation issued on 15th December, 1992 under article 356 of the Constitution to be exercisable by or under the authority of Parliament. As Parliament was not in session, the life of H.P. Ordinance 2 of 1992 was extended by the Himachal Pradesh Electricity (Duty) Amendment Ordinance, 1993 (15 of 1993) promulgated by the President on the 25th January, 1993. The said power has now been conferred by Parliament on the President under article 357 (i) (a) of the Constitution by enacting the Himachal Pradesh State Legislature (Delegation of Powers) Act, 1993.

3. Under the proviso to sub-section (2) of section 3 of the Himachal Pradesh State Legislature (Delegation of Powers) Act, 1993, the President shall, before enacting any President's Act, consult a Committee constituted for the purpose consisting of members of both the Houses of Parliament. The provisions of the aforesaid Ordinance will be expiring 4th April, 1993, on and it is necessary to replace that Ordinance by the President's Act before that date. As the said Committee has not so far been constituted and the matter is very urgent in nature and the time left is very short, it proposed to enact the measure without reference to the Committee.

R. VASUDEVAN,
Secy. to the Govt. of India,
Ministry of Power.

